PART III—Section 2

NOTIFICATIONS BY THE HEADS OF DEPARTMENTS

JUDICIAL DEPARTMENT

IN THE HIGH COURT OF MYSORE AT BANGALORE.

CRIMINAL SIDE.

Rule of Practice No. 90, dated 30th September 1936.

Under Section 554 of the Code of Criminal Procedure and with the previous sanction of the Government the High Court hereby makes the following rule in substitution of Criminal Rule of Practice No 83, dated 1st September 1909 (printed as paragraph 1—13 of Chapter XVI of the Criminal Rules of Practice and Circular Orders as amended up to the end of December 1933, Volume I), *viz* :—

ORIGINAL CASES.

1. Sessions Judges, Additional Sessions Judges and Assistant Sessions Judges will submit to the High Court a copy of every judgment or final order made by them within a week of the date on which it is made with a tabular statement giving particulars of the case in Form A appended.

2. Additional Sessions Judges and Assistant Sessions Judges will submit the copies of their judgments and orders through the Sessions Judge of the Division in which they are working.

3. District Magistrates will submit to the High Court a copy of every judgment or final order, other than an order of discharge under Section 209 of the Code of Criminal Procedure, pronounced by them within a week after the date on which it is pronounced with a tabular statement giving particulars of the case in Form A appended in cases heard by them, including proceedings under Chapters VIII, X, XI, XII and XXXVI of the Code of Criminal Procedure, but excluding,

(*a*) cases tried summarily under Chapter XXII of the Code of Criminal Procedure,
(*b*) cases disposed of under Sections 204 (3), 243, 247, 248, 259, 345 (1) or 494 of the Code of Criminal Procedure,
(*c*) cases regarding offences punishable under Sections 277, 278, 279, 285, 286, 289, 290, 323, 334, 341, 352 or 358 of the Penal Code,
(*d*) cases regarding offences punishable under the Cattle Trespass Act, 1871, or under any of the following Regulations, as from time to time amended, *viz* :—
(i) the Mysore Forest Regulation, XI of 1900,
(ii) the Mysore Excise Regulation, V of 1901,
(iii) the Mysore Police Regulation, V of 1908 (except those punishable under Sections 59, 60 and 63 of that Regulation),
(iv) the Mysore Public Conveyances Regulation, VII of 1911,
(v) the Mysore Registration of Births and Deaths Regulation, III of 1918,
(vi) the Mysore District Boards Regulation, III of 1926,
(vii) the Mysore Motor Vehicles Regulation, XVI of 1928,
(viii) the Mysore City Municipalities Regulation, VII of 1933,
(ix) the Mysore Town Municipalities Regulation, VIII of 1933,
(x) the Mysore Minor Municipalities Regulation, IX of 1933, and
(xi) the Mysore Road Traffic and Taxes Regulation, VI of 1935.

4. Magistrates other than District Magistrates will submit to their District Magistrate a copy of every judgment or final order, other than an order of discharge under Section 209 of the Code of Criminal Procedure, pronounced by them within four days after it is pronounced with a tabular statement giving particulars of the case in Form A appended except in cases of the kinds excluded in Sub-Rule 3 above.

5. Each Magistrate other than a District Magistrate will submit to his District Magistrate not later than the 8th day of each month a statement in Form B appended showing in order of disposal particulars as indicated by that form of each case disposed of by him in the previous month in respect of which he is not required by Sub-Rule 4 above to submit a copy of the judgment or final order.

6. District Magistrates will examine all copies of judgments and orders submitted to them under Sub-Rule 4 above and report at once to the High Court any case which in their opinion requires revision by the High Court. District Magistrates will forward to the Sessions Judge of the division without delay the copies of judgments and final orders of Magistrates of the First Class received by them and inform the Sessions Judge of any action they have taken in regard to such judgments or orders. District Magistrates will also examine the entries in the statements in Form B submitted to them and call for the records of any case in which the particulars entered in any such statement lead them to think that desirable.

7. Sessions Judges will examine all copies of judgments or final orders of Magistrates of the First Class received by them and will report at once to the High Court any case which in their opinion requires revision by the High Court except where the District Magistrate has already done so.

8. A copy of every order of discharge under Section 209 of the Code of Criminal Procedure will be submitted within four days of the date on which it is made with a tabular statement giving particulars of the case in Form A appended, if made by a District Magistrate, to the Sessions Judge direct and, if made by any other Magistrate, to the District Magistrate, who will forward it without delay to the Sessions Judge of the division and inform the Sessions Judge of any action he has taken in regard to such order. The Sessions Judge after examining them will submit all copies of such orders of discharge without delay to the High Court.

APPEAL AND REVISION CASES.

9. Sessions Judges and District Magistrates will submit to the High Court a copy of every judgment on appeal or order in regard to revision pronounced by them within a week from the date on which it is pronounced with a tabular statement giving particulars of the case in Form C appended.

10. Any Magistrate other than a District Magistrate who disposes of an appeal will submit to the District Magistrate a copy of his judgment within four days of the date on which it is pronounced with a tabular statement giving particulars of the case in Form C appended. The District Magistrate after examining the copy of the judgment will forward it without delay to the Sessions Judge.

11. The following are some of the points on which Sessions Judges and District Magistrates should direct their attention when examining copies of judgments and orders submitted to them under this rule:—

(*a*) the rash or unnecessary issue of process,
(*b*) dealing with disputed claims of right under colour of a charge of criminal trespass or mischief and convictions of those offences without a finding as to criminal intent,
(*c*) the suitability of the punishment inflicted on youthful offenders,
(*d*) the judicious or injudicious use of the powers conferred by Sections 250 and 562 of the Code,
(*e*) the indiscreet imposition of fines beyond the means of offenders,
(*f*) light punishment of offences requiring severe sentences in cases which ought to have gone up to superior Courts for enhanced punishment,
(*g*) the imposition of heavy fines in addition to imprisonment with a view, in default of payment, to extend the term of imprisonment beyond the ordinary powers of the Magistrate,
(*h*) the exaction of excessive bail or excessive security for keeping the peace or for good behaviour,
(*i*) unnecessary delay in the disposal of cases.

FORM A.

Calendar of persons tried before the Court of..... .....

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1. Serial Number of the case.
2. Name of complainant.
3. Name of accused.
4. Name of accused's father.
5. Caste of accused.
6. Calling of accused.
7. Age of accused.
8. Residence of accused.
9. Offence complained of.
10. Date of occurrence.

11. Date of complaint or report.
12. Date of arrest by the Police.
13. Date of first appearance of accused before the Court.
14. Date of commencement of trial.
15. Date of close of trial.
16. Result of trial.
17. Number of adjournments.
18. Explanation of delay and remarks.

Magistrate.

Instructions.

(A) If the number of accused be large and the space against headings (3) to (8) be found insufficient, the particulars may be entered in a separate sheet of paper and appended to the calendar form.

(B) Explanations of delay should invariably be given if the interval between the date of appearance of the accused and the date of judgment or sentence is more than a fortnight.

(C) If the case is received by transfer from another Court, the date of the first appearance of the accused and the number of adjournments in that Court, will be noted against heading 18.

(D) In the case of arrest whether the accused was detained in custody or released on bail should invariably be stated against heading 18 and in the latter case the date of release should also be given.

(E) Against heading 16 note—

Discharged under Section..... .....
Acquitted under Section.....
Or convicted under Section..... ....
and sentenced to.....

(F) In the case of a conviction, particulars of previous convictions, if any, proved at the trial, should also be noted.

(G) Against heading 11, the date on which the complaint was made to a Magistrate or to a Police Officer should invariably be entered.

(H) The name of the complainant at whose instance the prosecution has been instituted should be entered against heading 2 even when the prosecution is undertaken by the Police, but in such cases the Police Station from which the charge-sheet was received should also be entered.

FORM B.

(Monthly Statement referred to in Sub-Rule 5.)

Serial No. of the case	Name of accused	Caste of accused	Calling of accused	Age of accused	Offence complained of	Date of occurrence	Date of complaint or report	Date of arrest by the Police	Date of first appearance of accused before the Court	Date of commencement of trial	Date of close of trial	Result of trial	Explanation of delay and remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14

Instructions.

(A) Explanation of delay should invariably be given if the interval between the date of the appearance of the accused and the date of judgment or sentence is more than a fortnight.

(B) In the case of arrest whether the accused was detained in custody or released on bail should invariably be stated in Column 14, and in the latter case the date of release should also be given.

(C) In Column 13 note—

Discharged under Section..... .....
Acquitted under Section.....
Or convicted under Section... .....
and sentenced to.....

FORM C.

(1) Date of presentation of the appeal or petition.
(2) Date of filing.
(3) Date fixed for hearing.
(4) Date or dates of hearing.
(5) Date of disposal.
(6) Number of adjournments.
(7) Explanation of delay.

Criminal Rule of Practice No. 91.

Dated 5th October 1936.

Under the provisions of Clause (c) of sub-section (1) of Section 554 of the Code of Criminal Procedure and with the previous sanction of the Government, the High Court makes the following rule for the guidance of Judges and Magistrates:—

"A typewriter may be used by a Judge or Magistrate, instead of a pen, for the purpose of recording depositions, memoranda of evidence, judgments or orders. But, if that is done, the Judge or Magistrate shall append to each record of evidence or judgment or order so typewritten a certificate that he has himself made the record with a typewriter and put his initials at the end of each page of the record."

Civil Rule of Practice No. 166.

Dated 17th October 1936.

Under the provisions of Section 130 of the Code of Civil Procedure, 1911, and with the previous sanction of the Government the High Court hereby makes the following rule:—

Money due to a party, which is in deposit in Court towards the satisfaction of a decree, shall be paid only to the party entitled to it or to his Advocate or Pleader expressly authorised by Vakalatnama to receive such moneys or to his recognised agent as defined in Rule 2 of Order III of the Code of Civil Procedure, 1911, or to some person authorised by power-of-attorney duly stamped to receive such moneys on behalf of the party entitled to it, provided that decree amounts due to the Government may be paid to the Government Advocate or to a Government Pleader without the production of any Vakalatnama or other express authorization."

Civil Rule of Practice No. 164, dated 5th October 1933, and the subsequent amendments to it are hereby cancelled.

T. SHAMIENGAR,
Registrar.

IN THE COURT OF THE SUBORDINATE JUDGE AT BANGALORE.

Insolvency Case No. 67 *of* 1932-33.

1. Muddappa, 2. Nanjundiah, 3. Lakshminaraniah all are residing at Tiptur .. .. *Petitioners.*

vs.

1. Dasa Viswanathaiah, residing at Madhugiri and others ... ... *Opponents.*

Take notice that the petitioners have applied for final discharge under Section 41 (1) of the Insolvency Regulation in the above number.

Dated 12th October 1936.

Date of hearing—27th November 1936.